

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>KEN PAXTON, in his official capacity as</b>	)	
<b>Attorney General of Texas,</b>	)	
<b>DAVID SCHNITZ,</b>	)	
<b>TRACY MARTIN, and</b>	)	
<b>FLOICE ALLEN,</b>	)	
<b><i>Plaintiffs,</i></b>	)	Civil Action No. 4:22-cv-00143-P
	)	
<b>vs.</b>	)	
	)	
<b>STEVEN M. DETTELBACH, in his</b>	)	
<b>official Capacity as Director, Bureau of</b>	)	
<b>Alcohol, Tobacco, Firearms and Explosives,</b>	)	
<b>and</b>	)	
<b>MERRICK B. GARLAND, in his official</b>	)	
<b>Capacity as Attorney General of the</b>	)	
<b>United States,</b>	)	
<b><i>Defendants.</i></b>	)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Defendants, Steven M. Dettelbach, in his official capacity as Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, and Merrick Garland, in his official capacity as Attorney General of the United States (collectively, "Defendants") move for summary judgment in their favor on all claims and causes of action asserted against them by Plaintiffs in this action, and oppose Plaintiffs' Motion for Summary Judgment (ECF 46). Pursuant to Local Rule 56.3(b), each of the matters required by Local Civil 56.3(a) is set forth in the accompanying brief, and an appendix of the materials relied upon by Defendants is also being submitted.

For the reasons given in the accompanying brief, it is requested that summary judgment be granted in favor of Defendants, that Plaintiffs' motion for summary judgment be denied, and that this action be dismissed in its entirety.

DATED: March 13, 2023

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

LESLEY FARBY  
Assistant Branch Director

/s/ *Emily B. Nestler*

EMILY B. NESTLER (D.C. Bar # 973886)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

Tel: (202) 305-0167

Email: emily.b.nestler@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

On March 13, 2023, I electronically submitted the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Emily B. Nestler

EMILY B. NESTLER